

REMARKS

Claims 1, 4-19, 32 and 43-50 were examined in the final Office Action and remain rejected in the Advisory Action dated June 15, 2004 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. This rejection is believed to be overcome.

In particular, claim 1 has been amended herein to recite that the NS polypeptide includes a mutant NS3 polypeptide, an NS4 polypeptide and an NS5 polypeptide, and that the mutant NS3 polypeptide comprises "an amino acid sequence corresponding to amino acids 1242-1657 of HCV-1." The Examiner in the Advisory Action acknowledges applicants' specification supports this recitation. Accordingly, the only stated basis for rejection has been overcome.

Applicants note the Examiner reiterates in the Advisory Action that the previous art rejection would be reinstated "if the new matter was removed (or if the rejection was overcome)." However, applicants continue to assert that if the Examiner intended to reject the claims under 35 U.S.C. §103, the rejection should have been clearly stated in the final Office Action. In fact, several of the claims that were rejected under 35 U.S.C. §112, first paragraph were unequivocally supported by the specification (e.g., those claims reciting the specific sequence of SEQ ID NO:9) and should have been previously considered rather than subject to the blanket rejection under 35 U.S.C. §112, first paragraph.

Nevertheless, all pending claims are believed to distinguish over the art for reasons of record.

CONCLUSION


Applicants respectfully submit that the claims are patentable over the art. Accordingly, allowance is believed to be in order and an early notification to that effect would be appreciated.

Please direct all further communications in this application to:

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Respectfully submitted,

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